

Steven Benvenisti, Esq. - 023751993
DAVIS, SAPERSTEIN & SALOMON, P.C.
375 Cedar Lane
Teaneck, New Jersey 07666-3433
(201) 907-5000
Fax: (201) 692-0444
Attorneys for Plaintiff(s)

Steve Joerg and Elaine Joerg, his spouse

Plaintiff(s),
- vs -

New Jersey CVS Pharmacy, L.L.C., John Does 1-10 (fictitious names representing unknown individuals) and/or XYZ Corps. 1-10 (fictitious names representing unknown corporations, partnerships and/or Limited Liability Companies or other types of legal entities)

Defendant(s).

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: BERGEN COUNTY

DOCKET NO: BER-L-

Civil Action

COMPLAINT AND JURY DEMAND

Plaintiffs Steve Joerg and Elaine Joerg residing in the County of Bergen, 109 Cypress Street, Park Ridge, New Jersey, 07656, by way of Complaint against the Defendants say:

FIRST COUNT

1. On or about August 20, 2020, the Plaintiff Steve Joerg was a business invitee, lawfully traversing the parking lot abutting the premises owned, operated, leased, controlled, supervised, managed, maintained and/or repaired and/or inspected by the Defendants New Jersey CVS Pharmacy, L.L.C., John Does 1-10 and/or XYZ Corps. 1-10, located at or near 819 North Barnegat Avenue, in the Borough of Ship Bottom, County of Ocean, and the State of New Jersey.

2. Upon information and belief, at all relevant times herein mentioned, the Defendant New Jersey CVS Pharmacy, L.L.C. was a domestic limited liability company authorized to do business in the State of New Jersey, with its main business address located at 1 CVS Drive, Woonsocket, Rhode Island, 02895.

3. At the aforesaid time and place, due to the careless, reckless, and negligent, ownership, operation, lease, control, supervision, management and/or maintenance and/or repair and/or inspection of the premises and/or the parking lot by the Defendants New Jersey CVS Pharmacy, L.L.C., John Does 1-10 and/or XYZ Corps. 1-10, the Plaintiff Steve Joerg was caused to trip and fall, thereby causing the Plaintiff to sustain severe personal injuries.

4. As a direct and proximate result of the aforesaid carelessness, recklessness, and negligence of the Defendants New Jersey CVS Pharmacy, L.L.C., John Does 1-10 and/or XYZ Corps. 1-10, the Plaintiff Steve Joerg was injured in and about his mind and body; was and will in the future be caused great pain and suffering to his mind and body; was and will in the future be obliged to expend great sums of money for medical aid and attention; has sustained economic loss; and was and will in the future be unable to attend his usual pursuits and occupations and was further damaged.

WHEREFORE, the Plaintiff Steve Joerg demands judgment against the Defendants New Jersey CVS Pharmacy, L.L.C., John Does 1-10 and/or XYZ Corps. 1-10, individually, jointly or severally, for damages together with interest and costs of suit.

SECOND COUNT

1. Plaintiff Steve Joerg repeats each and every allegation of the First Count of the Complaint as if set forth at length herein verbatim.
2. At the aforesaid time and place, the Defendants New Jersey CVS Pharmacy, L.L.C., John Does 1-10 and/or XYZ Corps. 1-10 were independent contractors responsible for the upkeep and/or maintenance and/or inspection for the aforementioned premises and/or the parking lot.
3. As a direct and proximate result of the careless, reckless, and negligent upkeep and/or maintenance and/or inspection of the premises and/or the parking lot by the Defendants New Jersey CVS Pharmacy, L.L.C., John Does 1-10 and/or XYZ Corps. 1-10, the Plaintiff Steve Joerg was caused to trip and fall, thereby causing the Plaintiff to sustain severe personal injuries.
4. As a direct and proximate result of the aforesaid carelessness, recklessness, and negligence of the Defendants New Jersey CVS Pharmacy, L.L.C., John Does 1-10 and/or XYZ Corps. 1-10, the Plaintiff Steve Joerg was injured in and about his mind and body; was and will in the future be caused great pain and suffering to his mind and body; was and will in the future be obliged to expend great sums of money for medical aid and attention; has sustained economic loss; and was and will in the future be unable to attend his usual pursuits and occupations and was further damaged.

WHEREFORE, Plaintiff Steve Joerg demands judgment against the Defendants New Jersey CVS Pharmacy, L.L.C., John Does 1-10 and/or XYZ Corps. 1-10 individually, jointly or severally, for damages together with interest and costs of suit.

THIRD COUNT

1. Plaintiff Steve Joerg repeats each and every allegation of the First and Second Counts of the Complaint as if set forth at length herein verbatim.
2. At the aforesaid time and place, the Defendant John Does 1-10 was an unknown person or persons whose actions caused and/or contributed, directly or indirectly, to the incident herein and the injuries and damages suffered by the Plaintiff Steve Joerg.
3. At the aforesaid time and place, the Defendant XYZ Corps. 1-10 was an unknown business, corporation and/or entity, whose agents, servant and/or employee's actions caused and/or contributed, directly or indirectly, to the incident herein and the injuries and damages suffered by the Plaintiff Steve Joerg.
4. As a direct and proximate result of the aforesaid carelessness, recklessness, and negligence of the Defendants John Does 1-10 and/or XYZ Corps. 1-10, the Plaintiff Steve Joerg was caused to sustain severe personal injuries.
5. As a direct and proximate result of the aforesaid carelessness, recklessness, and negligence of the Defendants John Does 1-10 and/or XYZ Corps. 1-10, the Plaintiff Steve Joerg was injured in and about his mind and body; was and will in the future be caused great pain and suffering to his mind and body; was and will in the future be obliged to expend great sums of money for medical aid and attention; has sustained economic loss; and was and will in the future be unable to attend to his usual pursuits and occupations and was further damaged.

WHEREFORE, the Plaintiff Steve Joerg demands judgment against the Defendants John Does 1-10 and/or XYZ Corps. 1-10 for damages, together with interest and costs of suit.

FOURTH COUNT

1. Plaintiff Elaine Joerg repeats each and every allegation of the First through Third Counts of the Complaint as if set forth at length herein verbatim.
2. Plaintiff Elaine Joerg is the spouse of Steve Joerg, the injured Plaintiff.
3. As a direct and proximate result of the aforesaid injuries to the Plaintiff Steve Joerg, the Plaintiff Elaine Joerg has been and will be deprived of the consortium and services of the said injured Plaintiff.

WHEREFORE, the Plaintiff Elaine Joerg demands judgment against the Defendants for such sum as would be reasonable and proper compensation in accordance with the laws of the State of New Jersey, together with interest and costs.

DAVIS, SAPERSTEIN & SALOMON, P.C.
Attorneys for Plaintiffs

Dated: January 24, 2022

Steven Benvenisti

BY: Steven Benvenisti, Esq.
For the Firm

JURY DEMAND

Plaintiffs demand a trial by jury on all issues raised in the various Counts of the Complaint.

DESIGNATION OF TRIAL COUNSEL

Plaintiffs hereby designate Grace E. Robol, Esq. as trial counsel in this matter.

DAVIS, SAPERSTEIN & SALOMON, P.C.
Attorneys for Plaintiffs

Steven Benvenisti

Dated: January 24, 2022

BY: Steven Benvenisti, Esq.
For the Firm

DEMAND FOR ANSWERS TO INTERROGATORIES

Pursuant to Rule 4:17-1(b)(1), et seq., Plaintiffs hereby demand that Defendants answer Form "C" Uniform Set of Interrogatories of Appendix II and supplemental Form "C2", within the time prescribed by the Rules of Court. Plaintiffs reserve the right to propound additional supplemental Interrogatories pursuant to the Rules of Court.

CERTIFICATION

I certify, pursuant to R.4:5-1, that to the best of my knowledge, information and belief at this time, the matter in controversy is not the subject matter of any other action pending in any other court, nor of any pending arbitration proceeding; that no other action or arbitration is contemplated; and that there are no other parties who should be joined in this action.

DAVIS, SAPERSTEIN & SALOMON, P.C.
Attorneys for Plaintiffs

Steven Benvenisti

Dated: January 24, 2022

BY: Steven Benvenisti, Esq.
For the Firm

Civil Case Information Statement

Case Details: BERGEN | Civil Part Docket# L-000417-22

Case Caption: JOERG STEVE VS NEW JERSEY CVS PHARM ACY
Case Initiation Date: 01/24/2022
Attorney Name: LISA ANN LEHRER
Firm Name: DAVIS SAPERSTEIN & SALOMON PC
Address: 375 CEDAR LN TEANECK NJ 07666
Phone: 2019075000
Name of Party: PLAINTIFF : Joerg, Steve
Name of Defendant's Primary Insurance Company
(if known): SELF INSURED

Case Type: PERSONAL INJURY
Document Type: Complaint with Jury Demand
Jury Demand: YES - 6 JURORS
Is this a professional malpractice case? NO
Related cases pending: NO
If yes, list docket numbers:
Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO
Are sexual abuse claims alleged by: Steve Joerg? NO
Are sexual abuse claims alleged by: Elaine Joerg? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? NO

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO Title 59? NO Consumer Fraud? NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b)

01/24/2022
Dated

/s/ LISA ANN LEHRER
Signed

